



COUNTY CLERK'S OFFICE
STATE OF NEW YORK
COUNTY OF SUFFOLK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ **APR 08 2019** ★

LONG ISLAND OFFICE

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court
of Record thereof do hereby certify that I have compared the annexed with the original
CLERKS MINUTES (NYSCEF)
filed in my office on **04/04/2019**
and, that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County
and Court this **4/4/2019**

SUFFOLK COUNTY CLERK

Judith A. Pascale

JUDITH A. PASCALE

SEAL

19cv1664
(SJF)(STC)



NYSCEF
Suffolk County Supreme Court

Document List
Index # 600747/2019

Created on:04/04/2019 01:44 PM

Case Caption: **Patricia Cummings v. The City of New York et al**

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS WITH NOTICE SUMMONS WITH NOTICE	Processed	01/10/2019	Liotti, T.
2	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
3	STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING STATEMENT OF AUTHORIZATION	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
4	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/11/2019	Liotti, T. - filed by TMS Services, Inc.
5	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/19/2019	Liotti, T. - filed by TMS Services, Inc.
6	NOTICE OF APPEARANCE (PRE RJL) and Demand for Complaint	Processed	02/19/2019	Grygiel, M.
7	DEMAND FOR COMPLAINT	Processed	02/19/2019	Balog, A.
8	DEMAND FOR CHANGE OF PLACE OF TRIAL	Processed	02/19/2019	Balog, A.
9	DEMAND FOR COMPLAINT	Processed	02/21/2019	Leish, M.
10	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	02/28/2019	Liotti, T. - filed by TMS Services, Inc.
11	DEMAND FOR COMPLAINT	Processed	03/14/2019	Lawlor, J.
12	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	03/19/2019	Liotti, T. - filed by TMS Services, Inc.
13	STIPULATION - OTHER Stipulation extending plaintiff's time to serve Complaint to and including May 17, 2019	Processed	03/19/2019	Liotti, T.
14	NOTICE OF REMOVAL / REMAND (POST RJL)	Processed	03/22/2019	Leish, M.
15	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	04/01/2019	Liotti, T. - filed by TMS Services, Inc.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
 DEPARTMENT OF EDUCATION; CITY OF NEW
 YORK OFFICE OF SPECIAL INVESTIGATIONS;
 NYC MAYOR BILL de BLASIO; GIULIA COX;
 COURTNEY WARE; BEN CHAPMAN; NEW
 YORK DAILY NEWS; DR. ANDRE PERRY;
 THE HECHINGER REPORT a/k/a HECHINGER
 INSTITUTE ON EDUCATION AND THE MEDIA;
 LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
 MHZ); iHEARTMEDIA; CLEAR CHANNEL
 COMMUNICATIONS, INC.; NEW YORK STATE
 SENATOR, KEVIN S. PARKER; COUNCILMAN,
 JUMAANE D. WILLIAMS; COUNCILMAN,
 DANIEL DROMM; COALITION OF
 EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
 NATASHA CAPERS, and "JOHN DOE AND JANE
 DOE# 1-100" said names being fictitious, it being the
 intent of Plaintiff to designate any and all individuals,
 officers, members, agents, servants, and/or employees
 of the aforementioned agencies owing a duty of care to
 Plaintiff, individually and jointly and severally,

Defendants.

Case No.

**NOTICE OF REMOVAL TO
 FEDERAL COURT**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Daily News, L.P., incorrectly
 named as New York Daily News, and Ben Chapman (collectively, "Daily News") hereby notice
 removal of this civil action from the Supreme Court of the State of New York, County of
 Suffolk, to the United States District Court for the Eastern District of New York. This Court has
 removal jurisdiction because this is a civil action that includes "a claim arising under the

Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1441(c)(1)(A). In further support of this Notice of Removal, the Daily News alleges as follows:

1. On or about January 1, 2019, Plaintiff Patricia Cummings commenced an action captioned *Patricia Cummings v. The City of New York, et al.*, Index No. 600747/2019, in the Supreme Court of the State of New York, County of Suffolk, by filing a Summons with Notice (the “State Action”).

2. On February 20, 2019, Plaintiff served a copy of a Summons with Notice on the Daily News.

3. On February 21, 2019, the Daily News filed a Demand for Complaint and served the same on Plaintiff.

4. On March 4, 2019, defendants The City of New York, New York City Department of Education, City of New York Office of Special Investigations, NYC Mayor Bill de Blasio, Giulia Cox, Courtney Ware, Councilman Jumaane D. Williams, and Councilman Daniel Dromm (collectively, “The City Defendants”) served a motion to change the venue of the State Action in Supreme Court of the State of New York, New York County, Index No. 100277/2019.

5. No further proceedings have occurred in the State Action. In accordance with 28 U.S.C. § 1446(a), a true and correct of copy of Plaintiff’s Summons with Notice, which represents all process, pleadings, and orders served upon the Daily News in the State Action, is attached hereto as **Exhibit A**.

6. In the Summons with Notice, Plaintiff alleges that the named Defendants, among other things, violated Federal Civil Rights, 42 U.S.C. §§ 1983 and 1988, including the Due

Process and Equal Protection clauses of the Fourteenth Amendment to the United States Constitution.

7. As pled, Plaintiff's claims are predicated on federal law, involve contested federal issues, and implicate substantial federal interests.

8. Plaintiff's claims will require this Court to interpret, apply, and enforce federal civil rights and constitutional laws and regulations.

9. Accordingly, removal of this action is appropriate pursuant to 28 U.S.C. § 1331 on the grounds of federal question jurisdiction. This action arises "under the Constitution, laws or treaties of the United States" and is within this Court's original jurisdiction. 28 U.S.C. § 1331.

10. To the extent Plaintiff's claims arise under New York State law, including any tort claims or violations of New York State civil rights laws and the New York State Constitution, and do not come within the original jurisdiction of this Court, the Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. §§ 1367, as it relates to and is founded upon the same allegations giving rise to this Court's original jurisdiction.

11. Accordingly, this action is removable to this Court under 28 U.S.C. §§ 1331, 1367, 1441, 1446, and Federal Rule of Civil Procedure 81(c).

12. The United States District Court for the Eastern District of New York is appropriate for purposes of removal because it embraces the place in which the removed action has been pending. *See* 28 U.S.C. § 112.

13. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b), as it is filed within thirty days after the Daily News' receipt of the Summons with Notice.

14. Each of the named Defendants consent to removal of this action except iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ). As detailed in a letter to Plaintiff's counsel dated February 19, 2019, iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ) are not proper parties to this action. Specifically, continued prosecution of the State Action as to iHeartMedia, iHeartCommunications, Inc. and WWPR-FM (105.1 MHZ) would constitute a direct violation of the automatic stay extant in cases filed under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), which are pending in the United States Bankruptcy Court for the Southern District of Texas. Although the rule of unanimity generally requires that all defendants either join in a removal or consent thereto, it is well-understood that a defendant subject to an automatic stay in bankruptcy court is not properly joined and, as such, need not join or consent to removal. *See, e.g., PNC Equip. Finance, LLC v. USA Wheel Technology, Inc.*, No. 1:11cv199, 2012 WL 441172, at *1 (S.D. Ohio Feb. 10, 2012) ("[W]here a non-joining defendant is bankrupt, courts have found that an exception is to be made to the rule of unanimity."). Moreover, a bankrupt defendant "need not join in the removal petition because it was not amendable to service of legal process." *Id.* at 1 n. 2 (collecting cases). A true and correct copy of the February 19, 2019, letter is attached hereto as **Exhibit B**.

15. True and correct copies of the remaining Defendants' Consents to Removal are attached hereto as **Exhibit C**.

16. Pursuant to 28 U.S.C. § 1446(d), the Daily News is simultaneously filing a true and correct copy of this Notice of Removal with the Clerks of the Supreme Court of the State of New York, County of Suffolk, and County of New York and serving a copy of this Notice of Removal on Plaintiff.

WHEREFORE, the Daily News respectfully requests that this action be removed from the Supreme Court of New York, Suffolk County, to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New York, New York
March 22, 2019

By: /s/ Matthew A. Leish
Matthew A. Leish
Assistant General Counsel
Daily News, L.P.
4 New York Plaza
New York, NY 10004
(212) 210-2144

*Attorneys for Defendants Daily News, L.P. and
Ben Chapman*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
PATRICIA CUMMINGS,

Index No. : 600747/2019

Date Purchased: 01/10/2019

Plaintiff,

-against-

SUMMONS WITH NOTICE

THE CITY OF NEW YORK;
NEW YORK CITY DEPARTMENT OF EDUCATION;
CITY OF NEW YORK OFFICE OF SPECIAL
INVESTIGATIONS; NYC MAYOR BILL de BLASIO;
GIULIA COX; COURTNEY WARE; BEN CHAPMAN;
NEW YORK DAILY NEWS; DR. ANDRE PERRY;
THE HECHINGER REPORT a/k/a HECHINGER
INSTITUTE ON EDUCATION AND THE MEDIA;
LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD;
WWPR-FM (105.1 MHZ); iHEARTMEDIA;
CLEAR CHANNEL COMMUNICATIONS, INC.;
NEW YORK STATE SENATOR, KEVIN S. PARKER;
COUNCILMAN, JUMAANE D. WILLIAMS;
COUNCILMAN, DANIEL DROMM;
COALITION OF EDUCATIONAL JUSTICE; ANGEL
MARTINEZ; NATASHA CAPERS, and
"JOHN DOE AND JANE DOE # 1-100" said names
being fictitious, it being the intent of Plaintiff
to designate any and all individuals, officers, members,
agents, servants, and/or employees of the
aforementioned agencies owing a duty of care to Plaintiff,
individually and jointly and severally,

Plaintiff designates
SUFFOLK COUNTY
as the Place of Trial

Basis of Venue:
The Plaintiffs' residence

The Plaintiff resides in
Farmingville, New York
Suffolk County

Defendants
-----X


To the above Named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: Garden City, New York
January 9, 2019

Yours, etc.


LAW OFFICES OF THOMAS F. LIOTTI, LLC
By: Thomas F. Liotti, Esq.
Attorneys for Plaintiff
600 Old Country Road, Suite 530
Garden City, New York 11530
(516) 794-4700

TO: THE CITY OF NEW YORK
c/o Comptroller of the City of New York
Municipal Building - Room 1225
One Centre Street
New York, New York 10007

NEW YORK CITY DEPARTMENT OF EDUCATION
New York City Law Department
100 Church Street, Ground Floor
New York, New York 10007

CITY OF NEW YORK OFFICE OF SPECIAL INVESTIGATIONS
80 Maiden Lane
New York, New York 10038

NYC MAYOR BILL de BLASIO
City Hall
New York, NY 10007

GIULIA COX
c/o The William W. Niles School - Middle School 118
577 E. 179th Street
Bronx, New York 10457

COURTNEY WARE
c/o The William W. Niles School - Middle School 118
577 E. 179th Street
Bronx, New York 10457

BEN CHAPMAN
c/o New York Daily News
4 New York Plaza
New York, New York 10004

NEW YORK DAILY NEWS
4 New York Plaza
New York, New York 10004

DR. ANDRE PERRY
c/o The Brookings Institution
1775 Massachusetts Ave., NW
Washington, DC 20036

THE HECHINGER REPORT a/k/a
HECHINGER INSTITUTE ON EDUCATION AND THE MEDIA
c/o Teachers College - Columbia University
525 W. 120th St, TC Box 127
New York City, New York 10027

LENARD LARRY McKELVEY a/k/a *CHARLAMAGNE THA GOD*
c/o iHeartMedia
125 W 55th St
New York, New York 10019

WWPR-FM (105.1 MHZ)
163 E 125th St
New York, New York 10035

iHEARTMEDIA
125 W 55th St
New York, New York 10019

CLEAR CHANNEL COMMUNICATIONS, INC.
1233 Avenue of the Americas
New York, New York 10020

NEW YORK STATE SENATOR, KEVIN S. PARKER
District Office
3021 Tilden Ave.,
1st floor & Basement
Brooklyn, New York 11226-5107

COUNCILMAN, JUMAANE D. WILLIAMS
District Office
4517 Avenue D
Brooklyn, New York 11203

COUNCILMAN, DANIEL DROMM
District Office
37-32 75th Street, 1st Floor
Jackson Heights, New York 11372

COALITION OF EDUCATIONAL JUSTICE
726 Broadway, 5th Floor
Metro Center
New York, New York 10003

ANGEL MARTINEZ
c/o Coalition of Educational Justice
726 Broadway, 5th Floor
Metro Center
New York, New York 10003

NATASHA CAPERS
c/o Coalition of Educational Justice
726 Broadway, 5th Floor
Metro Center
New York, New York 10003

JOHN DOE AND JANE DOE # 1-100
being all individual Defendants
owing a duty of care to Plaintiffs, the identities and addresses of whom
are currently unknown to Plaintiffs

NOTICE: The object of this action is to recover damages for the harm caused to the Plaintiff, Patricia Cummings', reputation, livelihood, and career as a New York City Public School Teacher at The William W. Niles School - Middle School 118, Community School District 10, in Bronx County, New York; to wit: for the defamation, discrimination, distress, suffering, mental, emotional, and physical anguish and humiliation and embarrassment inflicted upon the Plaintiff, Patricia Cummings', due to the negligence, carelessness, recklessness, and, misfeasance, malfeasance, and negligent acts practices, and/or omissions of the Defendants in negligently, improperly, and unprofessionally failing to expeditiously investigate false, frivolous, retaliatory, unsubstantiated, and delusive allegations erroneously made against the Plaintiff and inappropriately making her the subject of extensive defamatory media coverage; directing an automatic and protracted reassignment from her position as a New York City Public School Teacher at The William W. Niles School - Middle School 118, Community School District 10, in Bronx County, New York, and ultimately her termination as a New York City Public School Teacher; and further in violating State and Federal Civil Rights, 42 U.S.C. §§ 1983 and 1988, including but not limited to State and Federal Constitutional violations for a denial of Due Process and the Equal Protection of the Laws.

This matter arose as a result of what was erroneously reported concerning a complaint made by a parent of a student regarding a lesson taught by the Plaintiff in her social studies class 408, on the Middle Passage, which took place on January 9, 2018. On or about January 16, 2018, the Plaintiff received a hand-delivered correspondence by and from Giulia Cox, Principal of The William W. Niles School - Middle School 118, inexplicably informing her that she was the subject of a disciplinary meeting to take place on January 18, 2018. Shortly thereafter, from January 23, 2018 to January 25,

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2018, the Plaintiff was removed from teaching class 408; however, she continued to teach her other classes during this time. Following the Plaintiff's return to class 408, on or about February 1, 2018, the Plaintiff was confronted on school property by Ben Chapman, a reporter from the New York Daily News, and as a result, became the subject of a front page story in the New York Daily News, falsely accusing her of being a "racist" and *"making black students lie face down on the floor of her class, and asking them '[H]ow does it feel to be a slave?'"* As a result, this fabricated and erroneous set of "facts" was picked up by the media worldwide and transmitted to various news outlets and appeared online and in media all over the world. The Plaintiff was featured in several prominent newspapers and televised news programs, as well as on YouTube, where it is erroneously reported, among other things that she *"singled out black students and made them act like slaves;"* she is falsely reported to have told them to *"lie on the floor for a lesson on slavery and then stepped on their backs to show them what slavery felt like."* She has been publically accused of "child abuse," labeled as a "racist," referred to as an "oppressor," by many, including politicians and activists, and specifically by Ben Chapman, a reporter from the New York Daily News and Dr. Andre Perry in the Hechinger Report, a nonprofit, independent news organization focused on inequality and innovation in education. The Plaintiff has been publically called, among other things, a "cave animal," a "cracker," and a "white supremacist," by Power 105.1 radio personality, Lenard Larry McKelvey, known professionally as *"Charlamagne tha God,"* on the air, and by other members of the general public in various and extensive online media posts discussing this issue. She has received direct threats of violence and death causing her to fear for her life. Giulia Cox, Principal of The William W. Niles School - Middle School 118, adamantly refused to speak with another teacher, who was present in the classroom during the Plaintiff's lesson, and later testified to the Office of Special Investigations that the lesson in question was appropriate. The Plaintiff was ultimately exonerated of the erroneous allegations following an investigation by the Office of Special Investigations.

The Plaintiff's reputation as a respected educator has been damaged. Her professional career has been substantially compromised and she has been unwillingly exposed to negative notoriety, which has publically humiliated and embarrassed her and subjected her to threats of violence, assault, and death.

The relief sought is monetary relief for damages as a result of the defamation, reverse discrimination, denial of due process, severe emotional, psychological, and physical distress, loss of reputation, loss of income, and expenses incurred by the Plaintiff in an amount not less than One Hundred Twenty Million Dollars, (\$120,000,000.00), to be determined upon the trial of this action; which amount exceeds the jurisdictional limits of all lower courts, which may otherwise have jurisdiction, together with interest from January 18, 2018, plus the costs and disbursements of the action, and for such other and further relief as to the Court seems just and proper.

The municipal Defendants in this action have been served with a timely Notice of Claim, and more than thirty (30) days have elapsed since the service of the Notice of Claim. There is no prejudice to the municipal Defendants by the filing of this action, as a pre-action hearing on the Plaintiffs' claim pursuant to General Municipal Law, Article 4, Section 50-h has been scheduled, wherein the municipal Defendants will have an opportunity to orally examine the Plaintiff, under oath, relative to the occurrences and the extent of the injuries for which her claim was made.

Upon your failure to appear, judgment will be taken against you by default in an amount to be determined, upon the trial of this action, which amount exceeds the jurisdictional limits of all lower courts, which may otherwise have jurisdiction, together with interest from January 18, 2018, plus the costs and disbursements of the action, and for such other and further relief as to the Court seems just and proper.

FILED: SUFFOLK COUNTY CLERK 03/22/2019 06:00 PM
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RECEIVED NYSCEF: 03/22/2019



Michael J. Grygiel
Tel 518-689-1400
Fax 518-689-1499
grygielm@gtlaw.com

February 19, 2019

**VIA ELECTRONIC MAIL (tom@tliotti.com)
AND UPS / OVERNIGHT DELIVERY**

Thomas F. Liotti, Esq.
Law Offices of Thomas F. Liotti, LLC
600 Old Country Road
Suite 530
Garden City, New York 11530

Re: *Patricia Cummings v. City of New York, et al.*, Index No. 600747/2019

Dear Mr. Liotti:

We represent Defendant Lenard Larry McKelvey a/k/a *Charlamagne Tha God* in the above-referenced action (the "Action"). Please find enclosed for service on behalf of our client a Notice of Appearance and Demand for Complaint dated February 19, 2018. The Action also names as Defendants iHeartMedia, Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.) and WWPR-FM (105.1 MHZ).

On March 15, 2018 (the "Petition Date"), iHeartMedia, Inc. and certain of its subsidiaries, including iHeartCommunications, Inc. and WWPR-FM (105.1 MHZ) (collectively, the "Debtors") commenced cases under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), which are pending in the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court").

Please be advised that continued prosecution of the Action may constitute a direct violation of the automatic stay extant in these chapter 11 cases.

The commencement of a bankruptcy case results in the imposition of an automatic stay that acts as an injunction against all parties from taking certain actions. Among the acts specifically prohibited by section 362 of the Bankruptcy Code are "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the [bankruptcy] case . . . [or] any act to obtain possession of property of [the debtor's] estate or of property from the estate or to exercise control over property of the estate . . . [or] to collect, assess, or recover a claim against the debtor that arose before the commencement of [the debtor's] bankruptcy case." See 11 U.S.C. §§ 362(a)(1), (3), and (6). Continued pursuit of the Action against any Debtor will entitle the Debtors to recovery of "actual damages, including costs and attorneys' fees, and, in appropriate circumstances, [they] may recover punitive damages." See 11 U.S.C. § 362(k)(1); see also *Young v. Repine* (*In re*

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www.gtlaw.com

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Thomas F. Liotti, Esq.
 February 19, 2019
 Page 2

Repine), 536 F.3d 512, 519 (5th Cir. 2008). Moreover, nonbankruptcy courts' authority to continue judicial proceedings is suspended, even where the acting party had no formal notice of the stay. *See Sosebee v. Steadfast Ins. Co.*, 701 F.3d 1012, 1025 (5th Cir. 2012). Accordingly, any attempt to prosecute the Action against any Debtor is stayed in its entirety by the commencement of the Debtors' bankruptcy cases.

In light of the foregoing, we hereby demand that you cease any further activity to prosecute the Action against the Debtors. Failure to comply may necessitate appropriate proceedings in the Bankruptcy Court with the attendant possibility of sanctions, costs, and other expenses. Actions taken in violation of the automatic stay are void *ab initio*, and parties may be held in contempt of court for violating the automatic stay. *See, e.g.*, 11 U.S.C. § 362(k)(1); *see also Young*, 536 F.3d at 519. The Debtors hereby reserve all of their rights at law and in equity with respect to any damages that may arise from, or relate to, actions taken by you in violation of applicable laws.

Please confirm to the undersigned in writing that you will forego pursuing the Action as to the Debtors – *i.e.*, iHeartMedia, Inc.; Clear Channel Communications, Inc. (n/k/a iHeartCommunications, Inc.), and WWPR-FM (105.1 MHz).

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

GREENBERG TRAURIG, LLP

Michael J. Gygiel
 Michael J. Gygiel

MJG/rsb
 Enclosure

ALB 2187139v1

and without waiving any defenses or claims, hereby consent to removal of this action, currently pending in the Supreme Court of New York for Suffolk County, Index. No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
March 22, 2019

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for City Defendants
100 Church Street, Room 2-143
New York, New York 10007-2601
(212) 356-1104
abalog@law.nyc.gov

By: 

Ariza S. Balog
Assistant Corporation Counsel

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
 DEPARTMENT OF EDUCATION; CITY OF NEW
 YORK OFFICE OF SPECIAL INVESTIGATIONS;
 NYC MAYOR BILL de BLASIO; GIULIA COX;
 COURTNEY WARE; BEN CHAPMAN; NEW
 YORK DAILY NEWS; DR. ANDRE PERRY;
 THE HECHINGER REPORT a/k/a HECHINGER
 INSTITUTE ON EDUCATION AND THE MEDIA;
 LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
 MHZ); iHEARTMEDIA; CLEAR CHANNEL
 COMMUNICATIONS, INC.; NEW YORK STATE
 SENATOR, KEVIN S. PARKER; COUNCILMAN,
 JUMAANE D. WILLIAMS; COUNCILMAN,
 DANIEL DROMM; COALITION OF
 EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
 NATASHA CAPERS, and "JOHN DOE AND JANE
 DOE# 1-100" said names being fictitious, it being the
 intent of Plaintiff to designate any and all individuals,
 officers, members, agents, servants, and/or employees
 of the aforementioned agencies owing a duty of care to
 Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. _____

*Removed from the Supreme
 Court of New York for Suffolk
 County*

Index No. 600747/2019

CONSENT TO REMOVAL

Defendant Lenard Larry McKelvey a/k/a *Charlamagne Tha God*, by and through his undersigned counsel, and without waiving any defenses or claims, hereby consents to removal of this action, currently pending in the Supreme Court of New York for Suffolk County, Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 22, 2019

GREENBERG TRAURIG, LLP

By: 
Michael J. Grygiel
54 State Street, 6th Floor
Albany, New York 12207
Tel: (518) 689-1400
Fax: (518) 689-1499
grygielm@gtlaw.com

*Attorneys for Defendant Lenard Larry McKelvey
a/k/a Charlamagne Tha God*

ACTIVE 42475779v2

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
 DEPARTMENT OF EDUCATION; CITY OF NEW
 YORK OFFICE OF SPECIAL INVESTIGATIONS;
 NYC MAYOR BILL de BLASIO; GIULIA COX;
 COURTNEY WARE; BEN CHAPMAN; NEW
 YORK DAILY NEWS; DR. ANDRE PERRY;
 THE HECHINGER REPORT a/k/a HECHINGER
 INSTITUTE ON EDUCATION AND THE MEDIA;
 LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
 MHZ); iHEARTMEDIA; CLEAR CHANNEL
 COMMUNICATIONS, INC.; NEW YORK STATE
 SENATOR, KEVIN S. PARKER; COUNCILMAN,
 JUMAANE D. WILLIAMS; COUNCILMAN,
 DANIEL DROMM; COALITION OF
 EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
 NATASHA CAPERS, and "JOHN DOE AND JANE
 DOE# 1-100" said names being fictitious, it being the
 intent of Plaintiff to designate any and all individuals,
 officers, members, agents, servants, and/or employees
 of the aforementioned agencies owing a duty of care to
 Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. _____

*Removed from the Supreme
 Court of New York for Suffolk
 County*

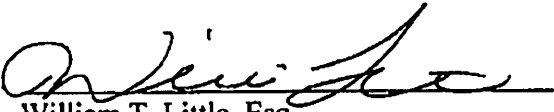
Index No. 600747/2019

CONSENT TO REMOVAL

Defendant New York State Senator Kevin S. Parker, by and through his undersigned
 counsel, and without waiving any defenses or claims, hereby consents to removal of this action,
 currently pending in the Supreme Court of New York for Suffolk County, Index No. 600747/2019,
 to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

OFFICE OF NEW YORK STATE SENATOR
KEVIN PARKER

By 
William T. Little, Esq.
Counsel to the Secretary of the Senate
New York State Capitol Building
172 State Street, Room 500F
Albany, New York 12247
(518) 455-2908 (Direct)
(518) 925-2845 (Cell)

*Attorney for Defendant New York State Senator
Kevin S. Parker*

ACTIVE 42476367v1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; CITY OF NEW
YORK OFFICE OF SPECIAL INVESTIGATIONS;
NYC MAYOR BILL de BLASIO; GIULIA COX;
COURTNEY WARE; BEN CHAPMAN; NEW
YORK DAILY NEWS; DR. ANDRE PERRY;
THE HECHINGER REPORT a/k/a HECHINGER
INSTITUTE ON EDUCATION AND THE MEDIA;
LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
MHZ); iHEARTMEDIA; CLEAR CHANNEL
COMMUNICATIONS, INC.; NEW YORK STATE
SENATOR, KEVIN S. PARKER; COUNCILMAN,
JUMAANE D. WILLIAMS; COUNCILMAN,
DANIEL DROMM; COALITION OF
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
NATASHA CAPERS, and "JOHN DOE AND JANE
DOE# 1-100" said names being fictitious, it being the
intent of Plaintiff to designate any and all individuals,
officers, members, agents, servants, and/or employees
of the aforementioned agencies owing a duty of care to
Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. _____

*Removed from the Supreme Court
of New York for Suffolk County*

Index No. 600747/2019

CONSENT TO REMOVAL

Defendant New York City Coalition for Educational Justice, incorrectly named as
Coalition of Educational Justice, without waiving any defenses or claims, hereby consents to
removal of this action, currently pending in the Supreme Court of New York for Suffolk County,
Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

By: Hetal Dalal
Hetal Dalal
Director of Legal Compliance
NYC Coalition for Educational Justice,
a project of Center for Popular Democracy
449 Troutman Street, Suite A
Brooklyn, New York 11237

ACTIVE 42476728v2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; CITY OF NEW
YORK OFFICE OF SPECIAL INVESTIGATIONS;
NYC MAYOR BILL de BLASIO; GIULIA COX;
COURTNEY WARE; BEN CHAPMAN; NEW
YORK DAILY NEWS; DR. ANDRE PERRY;
THE HECHINGER REPORT a/k/a HECHINGER
INSTITUTE ON EDUCATION AND THE MEDIA;
LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
MHZ); iHEARTMEDIA; CLEAR CHANNEL
COMMUNICATIONS, INC.; NEW YORK STATE
SENATOR, KEVIN S. PARKER; COUNCILMAN,
JUMAANE D. WILLIAMS; COUNCILMAN,
DANIEL DROMM; COALITION OF
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
NATASHA CAPERS, and "JOHN DOE AND JANE
DOE# 1-100" said names being fictitious, it being the
intent of Plaintiff to designate any and all individuals,
officers, members, agents, servants, and/or employees
of the aforementioned agencies owing a duty of care to
Plaintiff, individually and jointly and severally,

Defendants.

CIVIL ACTION NO. _____

*Removed from the Supreme
Court of New York for Suffolk
County*

Index No. 600747/2019

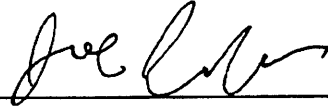
CONSENT TO REMOVAL

Defendants Hechinger Institute on Education and the Media, an institute of Teachers
College, Columbia University, and Dr. Andre Perry (collectively, the "Hechinger Defendants"),
by and through their undersigned counsel, and without waiving any defenses or claims, hereby
consent to removal of this action, currently pending in the Supreme Court of New York for Suffolk

County, Index No. 600747/2019, to the United States District Court for the Eastern District of New York.

Dated: March 21, 2019

HAYNES AND BOONE, LLP

By: 

Richard D. Rochford
Joseph Lawlor
30 Rockefeller Plaza, 26th Floor
Telephone: (212) 659-4984
richard.rochford.haynesboone.com
joseph.lawlor@haynesboone.com

*Attorneys for Defendants Hechinger Institute on
Education and the Media, an institute of Teachers
College, Columbia University, and Dr. Andre Perry*

ACTIVE 42469167v1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,

Plaintiff,

CIVIL ACTION NO. _____

- against -

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; CITY OF NEW
YORK OFFICE OF SPECIAL INVESTIGATIONS;
NYC MAYOR BILL de BLASIO; GIULIA COX;
COURTNEY WARE; BEN CHAPMAN; NEW
YORK DAILY NEWS; DR. ANDRE PERRY;
THE HECHINGER REPORT a/k/a HECHINGER
INSTITUTE ON EDUCATION AND THE MEDIA;
LENARD LARRY McKELVEY a/k/a
CHARLAMAGNE THA GOD; WWPR-FM (105.1
MHZ); iHEARTMEDIA; CLEAR CHANNEL
COMMUNICATIONS, INC.; NEW YORK STATE
SENATOR, KEVIN S. PARKER; COUNCILMAN,
JUMAANE D. WILLIAMS; COUNCILMAN,
DANIEL DROMM; COALITION OF
EDUCATIONAL JUSTICE; ANGEL MARTINEZ;
NATASHA CAPERS, and "JOHN DOE AND JANE
DOE# 1-100" said names being fictitious, it being the
intent of Plaintiff to designate any and all individuals,
officers, members, agents, servants, and/or employees
of the aforementioned agencies owing a duty of care to
Plaintiff, individually and jointly and severally,

*Removed from the Supreme Court
of New York for Suffolk County*

Index No. 600747/2019


Defendants.

CONSENT TO REMOVAL

Defendants Angel Martinez and Natasha Capers, without waiving any defenses or claims,
hereby consent to removal of this action, currently pending in the Supreme Court of New York
for Suffolk County, Index No. 600747/2019, to the United States District Court for the Eastern
District of New York.

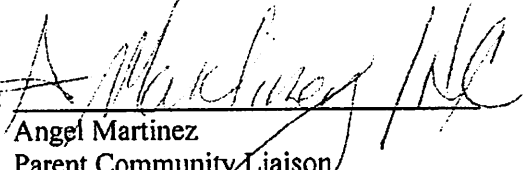
Dated: March 22, 2019

By:


Natasha Capers
Coordinator
NYC Coalition for Educational Justice
726 Broadway, 5th Floor
New York, New York 10003

Dated: March 22, 2019

By:


Angel Martinez
Parent Community Liaison
NYC Coalition for Educational Justice,
726 Broadway, 5th Floor
New York, New York 10003

ACTIVE 42519988v2